

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
vs.  
  
Scott Daniel Warren,  
  
Defendant.

**17-00341MJ**

AFFIDAVIT IN SUPPORT OF SUMMONS  
FOR DEFENDANT NAMED IN AN  
INFORMATION

(Pursuant to: Fed. R. Crim. P. 9(a))

Michael West on oath, deposes and states:

1. I am a Federal Wildlife Officer of the United States Fish and Wildlife Service, Department of the Interior, Ajo, Arizona, and make this affidavit as such officer.

2. An Information has been filed in this matter charging that the defendant used a motor vehicle in a wilderness area designated by federal law without lawful authority and abandoned, discarded, or otherwise left personal property in a national wildlife refuge.

3. I set forth the following facts to establish probable cause to believe that the offense alleged in the Information has been committed and that the defendant committed it:

I, Michael West, being duly sworn, do depose and state that:

I am a Federal Wildlife Canine Officer with the U.S. Fish and Wildlife Service and have been a sworn officer since April of 2010; I am empowered to investigate various violations of the laws of the United States contained within Title 16, United States Code.

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1 I am currently assigned to the Cabeza Prieta National Wildlife Refuge, Zone Two of  
2 Arizona, as a Federal Wildlife Canine Officer. I make this affidavit based upon  
3 information which was gathered in the course of this investigation, by other officers, and  
4 furnished to me.

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6 This affidavit is submitted in support of the attached Motion for Summons regarding  
7 SCOTT DANIEL WARREN for violation of 16 United States Code Section  
8 668(dd)(f)(2), 50 C.F.R. § 35.5, and 50 C.F.R. § 27.93:

9 1. Cabeza Prieta Wilderness Area has the distinction of being Arizona's largest  
10 Wilderness Area, encompassing nearly 93 percent of the Cabeza Prieta National Wildlife  
11 Refuge. Designated by the Arizona Wilderness Act of 1990, the Cabeza Prieta  
12 Wilderness spans across 803,418 acres of isolated, rugged, Sonoran desert landscapes  
13 including both the Arizona Uplands and Lower Colorado components. Rugged mountains  
14 and broad desert valleys, dotted with sand dunes and lava flows, dominate the region.

15 2. On June 1, 2017, FWO J. Valenzuela observed a vehicle parked 2.32 miles into  
16 wilderness, in an area called Charlie Bell Pass of the Cabeza Prieta National Wildlife  
17 Refuge.

18 3. At approximately 1345 hours of June 1, 2017, FWO J. Valenzuela, was patrolling  
19 the Cabeza Prieta National Wildlife Refuge, when he observed two vehicles parked at the  
20 top of the Charlie Bell Pass. The first vehicle observed was a red ford pickup with green  
21 crates in the bed of the pickup and a permit on the dashboard visible through the  
22 windshield. The second vehicle was a grey SUV with green crates next to the driver's  
23 door. After checking and documenting both vehicles, FWO Valenzuela noticed vehicle  
24 tire tracks entering into designated wilderness, passing Fish and Wildlife Service signs  
25 instructing the public not to operate vehicles beyond that point. FWO Valenzuela  
26 documented, from his experience, the tracks were not consistent with United States  
27 Border Patrol or United States Fish and Wildlife Service law enforcement tire sign. FWO  
28 Valenzuela continued down into the pass until he reached the Charlie Bell Windmill.

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1 FWO Valenzuela observed multiple one gallon water jugs, canned food and green milk  
2 crates with food and toiletry items. FWO Valenzuela could see the street tire tracks  
3 continuing on the Charlie Bell Pass road to the west. FWO Valenzuela documented and  
4 photographed the items at the well and continued west. Approximately 2.32 miles west of  
5 the wilderness entrance, FWO Valenzuela observed a white 1999 Dodge Pickup, with  
6 Arizona registration CH76200, parked off the road. As FWO Valenzuela was  
7 documenting the vehicle and obtaining the grid coordinates, FWO Valenzuela observed  
8 an individual, later identified as SCOTT DANIEL WARREN, and three other individuals  
9 walking back to the 1999 Dodge Pickup.

10 4. FWO Valenzuela identified himself as a United States Federal Wildlife Officer and  
11 greeted the individuals. FWO Valenzuela requested and observed each of their visitor  
12 permits. Permits are required under the Acknowledgement of Danger; Release and Hold  
13 Harmless Agreement for the Barry M. Goldwater Range, Cabeza Prieta National Wildlife  
14 Refuge and the Area A portion of Sonoran Desert National Monument. To obtain these  
15 permits, one must read, complete and sign certifying that they have read and understand  
16 the agreement for the above mentioned areas. When these permits are issued, a map  
17 showing the wilderness designation and a copy of regulations for the Cabeza Prieta  
18 National Wildlife Refuge is given to each individual.

19 5. After establishing the identity of each individual, FWO Valenzuela conducted a field  
20 interview to ascertain the reason for their visit to the Cabeza Prieta National Wildlife  
21 Refuge and identify who was operating the white 1999 Dodge Pickup. During the  
22 interview, SCOTT DANIEL WARREN stated he was operating the 1999 Dodge Pickup  
23 when the vehicle was driven into the wilderness. When asked by FWO Valenzuela,  
24 SCOTT DANIEL WARREN stated he did not know he was operating a vehicle in  
25 wilderness. SCOTT DANIEL WARREN also stated he did not see any of the signs  
26 stating unauthorized vehicles were prohibited. Upon completion of the interview, FWO  
27 Valenzuela instructed SCOTT DANIEL WARREN to vacate the area the same route he  
28 entered the wilderness. When turning the 1999 Dodge Pickup around, SCOTT DANIEL

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1 WARREN backed over desert vegetation with the rear tires. FWO Valenzuela then  
2 followed the 1999 Dodge Pickup out of the wilderness area.

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4 

5 Michael West  
6 United States Fish and Wildlife Service  
7 Ajo, Arizona

8 Sworn and subscribed to before me this  
9 6th day of December, 2017

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11 ERIC J. MARKOVICH  
12 United States Magistrate Judge  
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